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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LARRY MCREYNOLDS,

11 Plaintiff,

12 vs.

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15 MIDLAND CREDIT MANAGEMENT,
16 INC.,

17 Defendant.

CASE NO. 11-cv-849-MMA-WVG

**ORDER ACCEPTING REPORT AND
ADOPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE TO
DISMISS THE ACTION WITH
PREJUDICE**

[Doc. No. 23]

18 On April 21, 2011, Plaintiff Larry McReynolds filed a Complaint against Defendant Midland
19 Credit Management, Inc. alleging violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et*
20 *seq.* [Doc. No. 1.] On June 1, 2011, Plaintiff filed a First Amended Complaint (“FAC”) [Doc. No.
21 10] and Defendant filed an answer to the FAC on June 20, 2011. [Doc. No. 12.] The following day,
22 the Court scheduled an Early Neutral Evaluation (“ENE”) to be held on August 23, 2011. [Doc. No.
23 14.] On July 12, 2011, Plaintiff requested to appear at the ENE by telephone. [Doc. No. 17.] On
24 July 28, 2011, the Court granted Plaintiff’s request and ordered Plaintiff to inform the Court of the
25 telephone number at which he could be reached for the ENE. [Doc. No. 18.] Plaintiff failed to
26 contact the Court with a telephone number, neglected to file an ENE statement, and did not appear at
27 the ENE.

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1 On August 23, 2011, the Court issued an order to show cause why sanctions should not be
2 imposed on Plaintiff for his failure to participate by telephone in the Court ordered ENE and provide
3 the Court with a telephone number at which he could be reached for the ENE. Plaintiff did not
4 appear at the show cause hearing. [Doc. No. 20.] The Court's order to show cause warned Plaintiff
5 that "failure to participate in this case, failure to appear at Court ordered hearings, and failure to
6 abide by the Federal Rules of Civil Procedure, may result in the dismissal of his case." [Id.]

7 On November 7, 2011, Judge Gallo filed a thorough and well-reasoned Report containing
8 findings and conclusions, upon which he bases his recommendation that the Court dismiss the action
9 in its entirety with prejudice for failure to comply with Court orders. Neither party objected to the
10 Report and Recommendation, and the time for filing objections has expired.

11 The Court has considered the pleadings, the procedural posture of the action, and has made a
12 review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable
13 case law. Accordingly, good cause appearing, the Court **ADOPTS** the Report and Recommendation
14 [Doc. No. 23] in its entirety and **DISMISSES** the action **with prejudice**. The Clerk of Court is
15 instructed to terminate the case.

16 **IT IS SO ORDERED.**

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18 DATED: March 9, 2012

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20 Hon. Michael M. Anello
21 United States District Judge
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